

**Notice of Allowability**

Application No.

10/677,565

Examiner

Richard M. Lorence

Applicant(s)

GUTHRIE ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on July 26, 2006.
2. ☒ The allowed claim(s) is/are 1,3,6,7,14,16,17,19,21,24,26,27,30-39,43,48,51,52,54,56,60,61,64-68,72-83,85,86,90,92,94,97-100,102,103,106,107,110-119 and 121.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date ____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material         | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other ____.   |

### **REASONS FOR ALLOWANCE**

The amendment filed on July 26, 2006 has been entered. Claims 1, 34-36, 68, 81-83, 117 and 121 have been amended and claims 2 and 4 have been cancelled.

The cancellation of claim 2 is effective to overcome the objection thereto set forth in the previous Office action.

The amendment of claim 121 is effective to overcome the objection thereto set forth in the previous Office action.

The amendments of claims 1, 34-36, 68, 81-83 and 117, and the cancellation of claim 4 are effective to overcome the rejection under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph set forth in the previous Office action.

Applicant's arguments appearing on pages 18-19 of the amendment filed on July 26, 2006 with respect to the rejections under 35 U.S.C. § 102(b) set forth in the previous Office action have been fully considered and are persuasive.

As discussed during the telephonic interview conducted on July 7, 2006 the friction facing shown in Figures 7A and 7B of US 6,062,367 A (Hirayanagi et al.) includes first channels 11b which extend entirely through the thickness of the material and which are in fluid communication with shallower second channels 11a which are also in fluid communication with the radially inner edge of the facing. However the channels 11b of Hirayanagi et al. are not in fluid communication with the radially outer edge of the facing.

US 5,101,953 A (Payvar) shows a facing material having generally radially extending relatively deep channels 17 in fluid communication with the radially inner

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edge of the facing and generally radially extending relatively shallow channels 19 (or 20) in fluid communication with the radially outer inner edge of the facing and with the channels 17. However there is no portion of the channels in the facing of Payvar which extend entirely through the thickness of the facing material.

US 6,345,711 B1 (Sullivan) shows a facing material having channels with a first portion 20 extending entirely through the thickness of the facing material and relatively shallow portion 22 or 23. However in Sullivan the channels extend generally circumferentially rather than generally radially.

The rejection of claims 1-4, 14, 24, 30-37, 43, 48, 64-68, 71-83, 90, 92, 94, 103, 110-119 and 121 under 35 U.S.C. § 102(b) as being anticipated by US 6,062,367 A (Hirayanagi et al.), the rejection of claims 34-39, 43, 48, 51, 52, 54, 56, 60, 61, 64-68, 73, 75-78, 81-83, 85, 86, 90, 92, 97-100, 102, 103, 106, 107, 110-116 and 121 under 35 U.S.C. 102(b) as being anticipated by US 5,101,953 A (Payvar), and the rejection of claims 1-4, 6, 7, 14, 16, 17, 19, 21, 24, 26, 27, 30-39, 43, 48, 51, 52, 54, 56, 60, 61, 64-68, 71-83, 85, 86, 90, 92, 94, 97-100, 102, 103, 106, 107, 110-119 and 121 under 35 U.S.C. § 102(b) as being anticipated by US 6,345,711 B1 (Sullivan) have each been withdrawn.

None of the applied references or any of the other prior art of record discloses a facing having each of the features as presently claimed. Nor does the prior art appear to contain the necessary motivation to have led a person having ordinary skill in the art at the time the invention was made to combine the teachings in such a manner as to arrive at the claimed device.

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Claims 1, 3, 6, 7, 14, 16, 17, 19, 21, 24, 26, 27, 30-39, 43, 48, 51, 52, 54, 56, 60, 61, 64-68, 72-83, 85, 86, 90, 92, 94, 97-100, 102, 103, 106, 107, 110-119 and 121 are allowed.

The following is an examiner's statement of reasons for allowance:

None of the prior art of record shows or suggests a friction material facing including a first edge, a second edge, a first surface, a second surface, a plurality of spaced first channels, and a second channel as set forth in claim 1, and particularly wherein at least one of the plurality of spaced first channels is in fluid communication with the first edge and extends between the first surface and the second surface through the material facing a first predetermined depth of one hundred percent of a distance between the first and second surfaces; the second channel is in fluid communication with the second edge and with the at least one of the plurality of spaced first channels and defines a predetermined second channel area which extends between the first surface and the second surface a second predetermined depth which is smaller than the first predetermined depth; and at least one of the second channel or the at least one of the plurality of first channels extends generally radially between the first edge and the second edge.

Nor does the prior art of record show or suggest a friction material including a first edge, a second edge, a friction surface, an adhesive surface, a plurality of spaced apertures each having a portion which defines a first channel, and a second channel as set forth in claim 34, and particularly wherein the first channels extend entirely through the thickness of the material and are in fluid communication with the first edge; at least

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one of the plurality of spaced first channels is in fluid communication with the second channel; the second channel has a depth less than the thickness of the material and is in fluid communication with the second edge; and at least one of the second channel or the first channels extends generally radially between the first edge and the second edge.

Nor does the prior art of record show or suggest a friction material facing including a friction material, a plurality of first channels and a plurality of second channels in fluid communication with a second edge of the material as set forth in claim 68, and particularly wherein the plurality of first channels are in fluid communication with a first edge of the material; the plurality of second channels in fluid communication with a second edge of the material; the first and second channels are in fluid communication; the depth of the first channels is greater than the depth of the second channels; the depth of the first channels extend entirely through the thickness of the material; and at least one of the plurality of first channels or the plurality of second channels extend generally radially between the first edge and the second edge.

Nor does the prior art of record show or suggest a friction member including a metal support ring, an adhesive, and a friction material having a first edge, a second edge, a friction surface, an adhesive surface, a plurality of spaced apertures defining a plurality of first channels, and at least one second channel as set forth in claim 81, and particularly wherein the plurality of spaced apertures are in fluid communication with the first edge; each of the first channels extend entirely through the thickness of the material; the second channel has a depth less than the thickness of the material and is

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in fluid communication with the second edge and with the plurality of apertures; and at least one of the second channel or the first channels extends generally radially between the first edge and the second edge.

Nor does the prior art of record show or suggest a facing material including a plurality of channels as set forth in claim 117, and particularly wherein the channels comprise a shallow area in fluid communication with a second edge and a deep area in fluid communication with a first edge the deep area extending one hundred percent through a thickness of the facing material and the shallow area being less than one hundred percent of the thickness and further wherein at least one of the shallow area or the deep area extends generally radially between the first edge and the second edge.

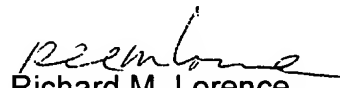
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is (571) 272-7094. The examiner can normally be reached on Mondays through Fridays from 10:30AM to 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Richard M. Lorence  
Primary Examiner  
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